



STATE OF MICHIGAN
SUPREME COURT

ANDRE BEZEAU,
Plaintiff-Appellant,

v

PALACE SPORTS & ENTERTAINMENT, INC.,
Defendant-Appellee

SC: 137500
COA: 285593
WCAC: 03-000101

Statement of Justice Davis Denying Defendant's Motion to Disqualify
September 28, 2010

DAVIS, J. Defendant has brought this motion seeking my recusal on its motion for rehearing of this Court's July 31, 2010 opinion in this case. Because I do not believe that grounds supporting recusal exist, I deny defendant's motion.

Defendant asks that I recuse myself from participation in the motion for rehearing because I "did not consider the application for leave to appeal that was decided by *Bezeau v Palace Sports & Entertainment, Inc.*"¹ The term rehearing itself supposes that a jurist had heard a case once before."

¹ 486 Mich __; __ NW2d __ (2010)

As was noted in my non-participation statement in *People v Jackson*, ___ Mich ___; ___ NW2d ___ (2010), a Justice in transition's nonparticipation in a case that was heard before the Justice took office does not affect the ability of that Justice to participate in subsequent motions for rehearing.